

**Memorandum of Bilateral Cooperation
Between
the United States Patent and Trademark Office
and
the Federal Service for Intellectual Property, Patents and Trademarks
of the Russian Federation**

The United States Patent and Trademark Office (USPTO) and the Russian Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), hereinafter referred to as “the Participants”,

recognizing the importance of intellectual property in promoting a strong national and global economy, encouraging economic investment in innovation, and fostering entrepreneurial spirit; and

desiring to further bilateral cooperation between the Participants to strengthen existing intellectual property systems by establishing a mechanism to have regular exchanges of information and best practices and to jointly undertake training and other cooperative activities;

hereby set forth the following Memorandum of Bilateral Cooperation (“Memorandum”):

1. GENERAL PROVISIONS

The present Memorandum is expected to serve as a basis for cooperation activities between the Participants on matters related to the acquisition, utilization and protection of intellectual property rights.

The activities under the present Memorandum are aimed, *inter alia*, at strengthening the bilateral relationship between USPTO and ROSPATENT; improving the administration of intellectual property protection systems, the effectiveness of legal protection for, and use of, intellectual property; increasing the public awareness on intellectual property issues; and developing professional skills through information sharing, exchange and capacity building in relation to intellectual property.

2. AREAS OF COOPERATION

The Participants have determined that the following cooperative undertakings are of particular interest and should be the focus of near-term efforts:

A. Training and capacity building

To the extent that resources are available, USPTO plans to collaborate with ROSPATENT in providing training and capacity building programs aimed at improving office administration,

human resource development, patent and trademark examination, and intellectual property rights protection and enforcement in the following areas:

1. Cooperative undertakings in the area of administration and human resource development may include some or all of the following:
 - a) Consultations and/or training on the effective Intellectual Property Office administration;
 - b) Consultations and/or training to improve filing, including electronic filing, application handling, patent fees processing and document flow; and
 - c) Consultations and/or training on improving information technology infrastructure and automation of the examination process.
2. Cooperative undertakings in the area of patent and trademark examination training may include some or all of the following:
 - a) Training for patent examiners;
 - b) Training for trademark examiners;
 - c) Consultations on quality control and assurance of patent and trademark examination; and
 - d) Consultations on patent and trademark appellate practice.

B. Worksharing

The Participants plan to carry out a joint Patent Prosecution Highway (PPH) pilot program. This pilot program aims at enhancing efficiency of the patent procedure for corresponding patent applications filed at both Offices. The mutual exploitation of the work previously done by the other Participant is meant to accelerate the patent procedure and avoid duplication of work. In this context, neither Office is expected to automatically adopt the decisions of the respective other Office. The respective national patent laws and regulations remain applicable to the patent examination.

C. Promoting the Importance of Intellectual Property in Innovation and Economic Growth

The Participants are to collaborate on seminars, roundtables, workshops or conferences about the role of IP in promoting an innovation/economic growth and IP education/public awareness campaigns. The topics to be explored at such programs may include:

1) Technology Transfer

- a) Principles of intellectual property commercialization;
- b) Technology Transfer laws, regulations, policy and practice;
- c) Technology Transfer matters that are specific to particular industries; and
- d) Technology Transfer matters that are specific to university and government research centers.

2) IP Education, Rightholder Awareness and Other Public Outreach Activities

Cooperative undertakings in the area of public awareness may include the following:

- a) Conducting outreach to educate small and medium-sized enterprises (SMEs) on protecting and enforcing patents, trade secrets, trademarks and copyrights in the U.S. and Russia;
- b) Collaborating to co-organize seminars and workshops in various locations in Russia, to educate the general public on importance of intellectual property. Such programs may be conducted in cooperation with trade associations and other industry groups, and the topics to be presented at those programs may include patents, trademarks, trade secrets, and enforcement;
- c) Collaborating in developing and conducting training for patent attorneys; and
- d) Information sharing about the goals, formation, and management of various public outreach efforts and Intellectual Property Awareness Campaigns (IPACs).

D. Intellectual Property Information and Best Practices Exchange

Participants intend to cooperate on the sharing of Intellectual Property-related, non-confidential information and best practices that may include:

- 1) Information and best practices that facilitate the process of examination
 - a) Intellectual Property Manuals and Guidelines
 - b) Publicly available electronic records of patent and trademark applications and registrations.
- 2) Information and best practices relevant to the efficient operation of an IPO
 - a) Performance and accountability reports, strategic plans, and other IPO forecasting reports/plans
 - b) Information on quality control/review procedures and measures.

3. LIMITATIONS

- A. The present Memorandum does not create obligations within the international law that bind the United States and the Russian Federation and does not constitute a treaty as that term is defined in the Vienna Convention on the Law of Treaties, signed on 23 May 1969.
- B. The present Memorandum is a framework agreement for bilateral cooperation on matters related to the acquisition, utilization and protection of intellectual property rights in accordance with the responsibilities of the two offices in this area.
- C. Implementing the activities under this Memorandum will be subject to the availability of funds and human resources, and as well as each Participant's budget priorities. This Memorandum does not obligate funds.

4. FINAL CLAUSES

- A. The Participants are to make best efforts to complete any projects undertaken pursuant to this Memorandum that may still be in progress when the Memorandum terminates.
- B. This Memorandum may be modified and supplemented based on the mutual written consent of the Participants. All modifications and supplements should be confirmed in written form and with an indication of the effective date.

- C. This Memorandum will commence upon the signing by both parties. The Memorandum remains valid until either Participant notifies the other Participant in writing of its intent to terminate.
- D. This Memorandum will be executed in two sets of originals, with each set composed of an English version and a Russian version.

For the:

United States Patent and Trademark Office,
U.S. Department of Commerce



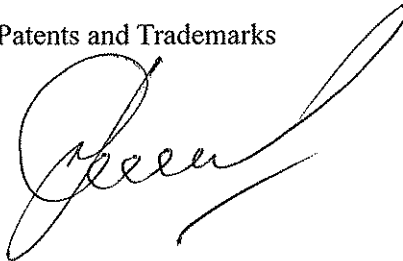
Sharon R. Barner

Deputy Under Secretary of Commerce for
Intellectual Property and Deputy Director of
the United States Patent and Trademark Office

Dated: June 2, 2010

For the:

Federal Service for Intellectual Property,
Patents and Trademarks



Boris Simonov

Director General
Federal Service for Intellectual Property,
Patents and Trademarks

Dated: June 2, 2010